

REFERENCE TITLE: domestic relations; temporary orders

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2275

Introduced by
Representatives Hershberger, Alvarez; Senators Rios, Verschoor

AN ACT

AMENDING SECTION 25-817, ARIZONA REVISED STATUTES; RELATING TO MATERNITY AND PATERNITY PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-817, Arizona Revised Statutes, is amended to
3 read:

4 25-817. Temporary orders; presumption of paternity

5 A. Pending a judicial determination of paternity, the court shall
6 issue a temporary order of support,~~—~~ and, **AFTER PROVIDING NOTICE AND AN**
7 **OPPORTUNITY TO BE HEARD**, may issue a temporary order regarding custody and
8 parenting time,~~—~~ if any of the following applies:

9 1. Genetic testing affirms at least a ninety-five per cent probability
10 of paternity.

11 2. A notarized or witnessed statement is signed by both parents
12 acknowledging paternity or separate substantially similar notarized or
13 witnessed statements are signed acknowledging paternity and filed with the
14 department of health services pursuant to section 36-334 or filed with the
15 department of economic security.

16 3. The respondent admits or does not deny paternity in a written
17 response filed with the clerk of the court.

18 4. There is other clear and convincing evidence as determined by a
19 court.

20 B. A temporary order issued pursuant to this section does not
21 prejudice the rights of a person or child that are adjudicated at subsequent
22 hearings in the proceeding.

23 C. A temporary order issued pursuant to this section may be revoked or
24 modified and terminates when the final support, custody or parenting time
25 order is entered or when the petition for support, custody or parenting time
26 is dismissed.